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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,510

07/12/2006

Michael Bacurle

10191/4426

6117

26646 7590 12/26/2007  
KENYON & KENYON LLP  
ONE BROADWAY  
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EXAMINER

PONOMARENKO, NICHOLAS

ART UNIT

PAPER NUMBER

2834

MAIL DATE

DELIVERY MODE

12/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/553,510

**Applicant(s)**

BAEUERLE, MICHAEL

**Examiner**

Nicholas Ponomarenko

**Art Unit**

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/14/07; 10/14/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the item numbers are hand written and not in USA standard, and can be misinterpreted, e.g., number "1" can be interpreted as number "7". Additionally, item 10 and 14 are not clearly drafted and have no visible lines inside the circle. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 3-10 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims. See MPEP § 608.01(n).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim 1 is generally narrative and indefinite, failing to conform to current U.S. practice, because the language of the claim 1 does not provide desired clarity and precision, since the scope of the invention sought to be patented cannot be determined from the language of the claim with a reasonable degree of certainty. *In re Wiggins*, 488 F.2d 538, 179 USPQ 421 (CCPA 1973).

Specifically:

words "charge storage devices" are indefinite and open to interpretation,

words "electronic component" are indefinite, since there are numerous number of "electronic components" in the art,

words "in a specifiable manner" are indefinite since no "manner" is specified in the language of the claim,

word "appropriate" is indefinite since no scope of "appropriate" can be

determined from the language of the claim.

In claim 2, word "appropriate" is indefinite since no scope of "appropriate" can be determined from the language of the claim.

Regarding claims 3, 6, 7 and 8, the phrases connected by word "or" render the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In claim 10, words "control unit detects when a heavy power is to be connected" are not understood, since the prediction of the controlled event is either not disclosed or the language of the claim has a grammatical error.

Claims 4, 5 and 9 are indefinite because they depend on the rejected claim and do not correct the noted problem.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilbreth et al. (US 6,958,550).

As far as they can be understood and broadly interpreted, all claims read on the

prior art of records.

Gilbreth et al. teaches a device for voltage supply including a generator ((Fig.5, item 100), connectable to a battery (Fig.7, item 170), wherein the circuit includes a first electronic component (Fig.7, item 158) which is situated between the positive pole of the battery and the heavy power consumer, and at least two charge storage devices (Fig.5) which are connectable to one another via switching means (Fig.2, item 28), and are connectable to the heavy power consumer (Fig.2, item 18) and the electronic component (item 36), and the switching means are operated by a control device (32) in a specifiable manner. The system of Gilbreth et al. is capable to perform activation and deactivation of the loads, parallel and series connections of the capacitors, charging the battery, and can feed any kind of the consumer one desires. The system has a controllable switch and a diode and outputs the appropriate triggering signals to the switches and ensures the required voltage supply for the heavy consumers, especially as these features can be interpreted in the general and indefinite terms, as claimed by the applicant.

### ***Conclusion***

7. When the claims are amended, applicant(s) should state in detail where in the original disclosure or in the drawings the amended features find support. No new matter may be introduced.

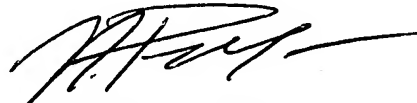
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Ponomarenko whose telephone number is (571) 272- 2033, Fax: (571) 273-2033, or to his SPE Darren Schuberg – (571) 272-2044.

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9. Any inquiry of a general nature should be directed to the following places: Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

np  
December 14, 2007



**Nicholas Ponomarenko**  
**Primary Examiner**  
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